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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,688	08/24/2001	Jeffrey D. Ollis	D2647	2555

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EXAMINER	
MOLINARI, MICHAEL J	

ART UNIT	PAPER NUMBER
2665	

DATE MAILED: 10/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/938,688	OLLIS, JEFFREY D.	
	Examiner	Art Unit	
	Michael J Molinari	2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 August 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3,4 and 6-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3,4 and 6-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 3-4, and 6-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shen et al. (U.S. Patent Application Publication 2002/0093944).

3. Referring to claim 1, Shen et al. disclose a method for providing enhanced dial-up capabilities to a network connection, comprising the steps of: establishing an audio connection between a telephone (see Fig. 1, #34) and a centrally located (see Figure 1, #32, which is located between the PSTN and the Internet) dial server (Telephony Server, see Fig. 1, #32) (see paragraph 0046); processing information conveyed by the audio connection to the dial server to obtain a telephone number (see paragraph 0047); and forwarding that telephone number from the centrally located dial server to a gateway (Telephony Server, see Fig. 1, #32, see paragraph 0025, note that the gateway is embodied by the telephone network interface cards in Figure 1, #60) that has a connection to a network (Internet, see Fig. 1, #40, or PSTN, see Fig. 1, #36), wherein the audio connection between the telephone and the centrally located dial server is formed across the gateway (the Telephony Server of Shen et al. is the gateway). Shen et al. differ from claim 1 in that he fails to disclose that the gateway is local. However, he does disclose that the purpose of the telephony server is to select whether to route the call via the Internet or via the PSTN based

on the cost of the call (see paragraph 0018). It is well known in the art that local PSTN calls are free (low cost). Therefore, it would have been obvious to a person with ordinary skill in the art at the time of the invention to make the gateway local to achieve the advantage of reducing the cost of making calls. Shen et al. further differ from claim 1 in that they fail to disclose that the connection between the telephone and the dial server is established using media gateway control protocol. However, the use of media gateway control protocol for signaling in such a network is well known in the art. For example, Kung et al. teach the use of a plurality of protocols, including MGCP, which have the advantage of providing standardized signaling for this type of application. One skilled in the art would have recognized the advantage of using MGCP as taught by Kung et al. Therefore, it would have been obvious to a person with ordinary skill in the art at the time of the invention to incorporate the use of MGCP as taught by Kung et al. into the system of Shen et al. to achieve the advantage of providing standardized signaling for this type of application.

4. Referring to claim 3, Shen et al. disclose the step of passing the telephone number from the gateway to a call agent (URL Administrator, see paragraph 0025, lines 1-3).

5. Referring to claim 4, Shen et al. disclose that VOIP is used to communicate with the network (see paragraph 0017, lines 3-4).

6. Referring to claim 6, Shen et al. disclose that the network is attached to the Internet (see Fig. 1).

7. Referring to claim 7, Shen et al. disclose that the network is attached to a PSTN (see Fig. 1).

8. Referring to claim 8, Shen et al. disclose that the network is attached both to an internet and to PSTN (see Fig. 1).

9. Referring to claim 9, Shen et al. disclose that the audio contains DTMF tones (see paragraph 0047, lines 7-9).

10. Referring to claim 10, Shen et al. disclose that the audio comprises voice, and the Dial Server analyzes the voice to associate it with a telephone number (see paragraph 0020, lines 1-9).

11. Referring to claim 11, Shen et al. disclose an apparatus for providing enhanced dial-up capabilities to a network connection, comprising: a telephone (Telephone Communication Device, see paragraph 0008); a gateway connected to the telephone (Telephony Server, see Fig. 1, #32); and a centrally located (see Figure 1, #32, which is located between the PSTN and the Internet) dial server connected to the gateway (Telephony Server, see Fig. 1, #32); wherein the dial server is capable of processing information conveyed by an audio connection with the telephone to obtain a telephone number, which it is capable of forwarding to the gateway (see paragraph 0047). Shen differs from claim 11 in that he fails to disclose that the gateway is local. However, he does disclose that the purpose of the telephony server is to select whether to route the call via the Internet or via the PSTN based on the cost of the call (see paragraph 0018). It is well known in the art that local PSTN calls are free (low cost). Therefore, it would have been obvious to a person with ordinary skill in the art at the time of the invention to make the gateway local to achieve the advantage of reducing the cost of making calls.

12. Referring to claim 12, Shen et al. disclose that the audio connection is formed across the gateway (The Telephony Server of Shen et al. is the gateway).

13. Referring to claim 13, Shen et al. disclose a call agent to which the telephone number is passed from the gateway (URL Administrator, see paragraph 0025, lines 1-3).

14. Referring to claim 14, Shen et al. disclose that the network is attached both to the Internet and to PSTN (see Fig. 1).

15. Referring to claim 15, Shen et al. disclose that the network is attached both to an IP network and to PSTN (see Fig. 1).

16. Referring to claim 16, Shen et al. disclose that the audio contains DTMF tones (see paragraph 0047).

17. Referring to claim 17, Shen et al. disclose that the audio comprises voice, and the Dial Server has the ability to analyze the voice so that it can associate it with a telephone number (see paragraph 0020, lines 1-9).

18. Referring to claim 18, Shen et al. disclose an apparatus for providing enhanced dial-up capabilities to a network connection, comprising: a gateway (Telephony Server, see Fig. 1, #32) for packetizing audio (see paragraph 0017); and a centrally located (see Figure 1, #32, which is located between the PSTN and the Internet) dial server (Telephony Server, see Fig. 1, #32) connected to the gateway; wherein the dial server is capable of processing audio information conveyed by an audio connection to a telephone to obtain a telephone number, which the dial server then forwards to the gateway (see paragraph 0047). Shen differs from claim 18 in that he fails to disclose that the gateway is local. However, he does disclose that the purpose of the telephony server is to select whether to route the call via the Internet or via the PSTN based on the cost of the call (see paragraph 0018). It is well known in the art that local PSTN calls are free (low cost). Therefore, it would have been obvious to a person with ordinary skill in the art

at the time of the invention to make the gateway local to achieve the advantage of reducing the cost of making calls.

19. Referring to claim 19, Shen et al. disclose a call agent for forwarding traffic from the gateway to a network (see paragraph 0036).

Conclusion

20. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J Molinari whose telephone number is (703) 305-5742. The examiner can normally be reached on Monday-Friday 9am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (703) 308-6602. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Michael Joseph Molinari

ALPUS H. HSU
PRIMARY EXAMINER